IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 13306 of 2005

Between:

Mahajana Sangarshana Samithi (Regd), rep. by its District Convenor-T Md. Iliaz, S/o. Raja Saheb, R/o. 1--331-1, Vali Sab Road, Kadiri Town, Anantapur District.

..... PETITIONER

AND

1. Kadiri Municipality, rep. by its Commissioner, Kadiri Municipality, Kadiri, Anantapur District.
2. The Director of Town Planning, Govt. of A.P., B.R.K.R. Bhavan, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in not protecting the land in Sy.No.644-P in Maruthi Nagar, Kadiri Municipality, Kadiri Mandal to an extent of Ac.0-41 cents which is reserved as " Open Space " as per approved Layout Vide L.P.No.1/86 as illegal, arbitrary and violative of Section 184 of A.P. Municipalities Act and Rule 10 of A.P. Layout Rules 1970 as well as violative of Articles -14 and 16 of the Constitution of India and consequently direct the 1st respondent to utilize the said reserved open space for the public purpose alone in the interest of the Kadiri Municipality and pass such other or further orders as are necessary.

Counsel for the Petitioner: Mr. M.PRASADA RAO

Counsel for the Respondent No.1: Mr. S.I.NEWTON

Counsel for Respondent No.2:G.P. for Municipal Administration.

The Court at the stage of admission made the following :

ORAL ORDER:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

It is contended in the writ petition that some persons are encroaching upon the land in Layout No.L.P.No.1/86 and the respondents are not taking any action to prevent such encroachment. Learned counsel for the Municipality submits that this land has never been handed over to them. The parties alleged to have been encroaching the land have not been made parties to this writ petition. The Writ Petition is filed in public interest, but the petitioner has not disclosed his own antecedents. In these circumstances, the Writ Petition is misconceived and the same is dismissed.

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BILAL NAZKI, ACJ.

22.6.2005.

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G.CHANDRAIAH, J.

VR.

To

1. The Commissioner, Kadiri Municipality, Kadiri Municipality, Kadiri, Anantapur District.
2. The Director of Town Planning, Government of A.P., B.R.K.R. Bhavan, Hyderabad.

3. Two CCs to Government Pleader for Municipal Administration, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.